

**Notice of Allowability**

Application No.

09/273,256

Examiner

Dwin M Craig

Applicant(s)

SUZUKI ET AL.

Art Unit

2123

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9-16-2004.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 22 March 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

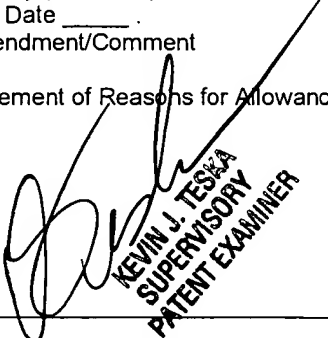
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER

**DETAILED ACTION**

**And**

**NOTICE OF ALLOWANCE**

1. **Claims 1-21 are allowed.**

**Affidavit**

2. The Affidavit filed on 9-16-2004 under 37 CFR 1.131 is sufficient to overcome the Fishman reference U.S. Patent 6,112,133.

**Examiner's Amendment**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey D. Karceski Registration Number 35,914 on 11-30-2004.

The Claim 1 has been amended as follows:

In line 9 of Claim 1, REPLACE "machinist an" to -- machinist *with* an -- .

**Reasons for Allowance**

3. The following is an examiner's statement of reasons for allowance:

**3.1** As regards independent **Claim 1**, the prior art does not teach or make obvious the following limitations in combination with other limitations; "*determining the efficiency of the*

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*machining process*” and *“a notifying means for notifying the machinist [with] an advisory message”* and *“wherein the advisory message is selected based on the analysis performed.”* The Examiner further notes that the Applicant has invoked 35 U.S.C. 112 6<sup>th</sup> paragraph (see *In Re Donaldson Co.*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994), **MPEP Section 2181**) Where the Applicant is drawing structural support for the *notifying means*, specifically the Examiner notes *Figure 8* and *page(s) 17 & 36 of the specification* where the notification *“means”* is disclosed as the preferred embodiment to be a listing of options to be displayed to the operator of the machine tool. The Examiner further notes that although the specification discloses the following, *“Thus the messages are not limited to those of figure 8 and may be changed as required”* that the *“notifying means”* as claimed in Independent Claim 1 is only enabled by the preferred embodiment, *which is disclosed on page(s) 17 & 36 of the specification and in Figure 8.*

**3.2** As regards independent **Claim 13** it is noted that the Applicant has again invoked 35 U.S.C. 112 6<sup>th</sup> paragraph in claiming an *“analysis means”* as enabled and structurally supported by *Figures 1 & 4-7 and page(s) 12-18* of the specification. Further, Independent Claim 13 has the limitation, *“enable each of the machining processes to achieve the highest speed allowed by the capacity of the machine”* which, in combination with the other limitations of independent Claim 13 is a non-obvious improvement over the prior art.

**3.3** As regards independent **Claim 21** the following limitation, *“a final machining program that enables the machining process to perform at the highest speed allowed by the capacity of the machine”* in combination with the other limitations, is a non-obvious improvement over the prior art.

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**3.4** Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

**4. Claims 1-21** are allowed.

**4.2** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent 5,412,877 discloses methods of programming NCR machine tools.
- U.S. Patent 4,199,814 discloses a numerically controlled machine tool.
- U.S. Patent 4,907,164 discloses a method of determining the efficiency of a machine tool.
- U.S. Patent 5,266,876 discloses a method of editing the programs that control, numerically controlled machine tools.
- "Practical tool condition monitoring" by Don Meredith, discloses methods of putting intelligent sensors on machine tools to avoid damage in the production environment.

**4.3** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwin M Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on (571)272-3716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC



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